

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
FORT WORTH DIVISION

UNITED STATES OF AMERICA, ) CASE NO. 4:19-CR-352-P  
 ) 4:19-CR-377-P  
Government, )  
 ) FORT WORTH, TEXAS  
VERSUS )  
 ) AUGUST 26, 2020  
AARON TREMMELL HARDRICK (01), )  
 )  
Defendant. ) 2:10 P.M.

VOLUME 1 OF 1  
TRANSCRIPT OF SENTENCING  
BEFORE THE HONORABLE MARK PITTMAN  
UNITED STATES DISTRICT COURT JUDGE

**A P P E A R A N C E S :**

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**P R O C E E D I N G S**

August 26, 2020 - 2:10 p.m.

*COURT SECURITY OFFICER:* All rise.

*(Judge enters)*

*THE COURT:* Afternoon, ladies and gentlemen. Y'all may be seated.

*(Off-the-record discussion)*

*THE COURT:* All right. Before we get started -- let me call both of these to order, and then I want to ask the attorneys a question. I'll let you introduce yourself and then we'll go from there.

So, we have a couple of criminal actions this morning involving Mr. Hardrick, and the Court's going to call both of them at this time, and I'll ask you some questions, and I'll see if you have any objections.

Court calls for sentencing Criminal Action Number 4:19-CR-352-P-1, United States of America versus Aaron Tremmell Hardrick for sentencing and further proceedings.

I would also like to call for sentencing and further proceedings this morning, United States of America versus Aaron Tremmell Hardrick in Case Number 4:19-CR-377-01.

Would the attorneys please identify themselves and who they represent, and then I'll ask you the question I would like to ask you.

*MR. ABLE:* Judge, my name is Frank Able, and I

1 represent the defendant, Aaron Hardrick, in both matters.

2           *THE COURT:* Thank you, Mr. Able. I appreciate you  
3 being here today. It's always good to see you.

4           *MR. WEYBRECHT:* Matthew Weybrecht for the United  
5 States, Your Honor.

6           *THE COURT:* Sorry, sir?

7           *MR. WEYBRECHT:* Matthew Weybrecht for the United  
8 States.

9           *THE COURT:* Mr. Weybrecht, good to see you as well.

10           *MR. WEYBRECHT:* You, too, sir.

11           *THE COURT:* I would like to ask Mr. Able, as well as  
12 you, Mr. Weybrecht, because we have two of these matters, I  
13 think it's best use of our time if I could take the sentencing  
14 together, rather than separating them.

15           Does everyone consent to me taking both of these  
16 cases together? And, obviously, as I'm going through the  
17 sentencing, to the extent I have an issue that pertains to one  
18 of the cases, I'll specify that and vice versa.

19           Is that fair enough?

20           *MR. ABLE:* We have no objection, Judge. I'm sorry.

21           *THE COURT:* Thank you, Mr. Able.

22           *MR. WEYBRECHT:* No objections, Your Honor.

23           *THE COURT:* All right. Well, let's go ahead and  
24 proceed with that in mind. I'll take both of these at once,  
25 and I'll do my best not to get them messed up.

1 I would like to state, before we get into the  
2 substance of our proceedings, that due to the national  
3 COVID-19 pandemic, we're doing this a little bit unusual in  
4 the sense that we don't have family members or witnesses  
5 present in the actual fourth floor courtroom with us.

6 Those individuals, however, are allowed to view  
7 these proceedings and also give their testimony via video  
8 through our fourth floor -- rather, our third floor conference  
9 room, and it's my understanding we have had some difficulty  
10 with the audio/visual down on the third floor, and I do see  
11 some folks down there that are watching this sentencing  
12 proceeding in both of these cases.

13 And I'll ask you, ma'am, in blue, can you hear me?  
14 If you can, would you wave your hand. You all can hear me  
15 fine there in the jury assembly room? Just wave your hand.

16 (Spectators waving)

17 *THE COURT:* All right. Thank you. I'll do my best  
18 to speak into the microphone. I know that this is not the  
19 best way to do it; however, we're trying to keep everybody's  
20 safety in mind, and we appreciate it. All right. So, thank  
21 you very much.

22 Are the attorneys ready to proceed?

23 *MR. WEYBRECHT:* Government's ready, Your Honor.

24 *MR. ABLE:* Yes, Your Honor.

25 *THE COURT:* All right. Mr. Hardrick, at this time I

1 need you to please rise and state your name into the  
2 microphone, if you could give me your full name.

3 *THE DEFENDANT:* Aaron Tremmell Hardrick.

4 *THE COURT:* Thank you, sir. You may be seated.

5 Mr. Hardrick, in stating your full name for the  
6 record you've acknowledged your presence here in the courtroom  
7 for both of these sentencings this morning, and I do  
8 appreciate you stating your name for us.

9 As I said, we're going to combine both of these  
10 sentencings, so have some patience with me. I need to make  
11 some findings with regards to both, and then we'll proceed  
12 with the sentencing.

13 Mr. Hardrick, let's begin with the Cause Number  
14 4:19-CR-352-P.

15 In that case, sir, you appeared before United States  
16 Magistrate Judge Hal R. Ray, Jr., on December 11th, 2019. At  
17 that time, if you recall, you entered a plea of guilty to  
18 Counts 2 and 3 of the indictment charging you with  
19 interference with commerce by robbery/using, carrying,  
20 brandishing a firearm during a crime of violence, in violation  
21 of 18 United States Code Section 1951(a) and Section 2, as  
22 well as 18 United States Code Section 924(c)(1)(A)(ii), as  
23 well as subsection -- 18 United States Code Section  
24 924(c)(1)(C) -- (A)(ii) and Subsection 2.

25 If you remember, on the day that you appeared before

1 Judge Ray, Judge Ray listened to you and he found that your  
2 plea of guilty was a knowing and voluntary plea that was  
3 supported by an independent basis in fact containing each of  
4 the essential elements of the offense.

5 Sir, you told Judge Ray at that time you understood  
6 the elements of the offense, that you agreed to the accuracy  
7 of the Factual Resume, and you also admitted that you had  
8 committed all the essential elements of the offense.

9 Accordingly, sir, on December 26th of 2019, I  
10 entered an order accepting your plea and adjudging you guilty  
11 of the crimes alleged in the indictment against you.

12 With regards to the other matter, that other matter  
13 being Case Number 4:19-CR-377-P, Mr. Hardrick, you'll recall  
14 that you also appeared before United States Magistrate Judge  
15 Jeffrey L. Cureton on January 8th, 2020. At that time you  
16 entered a plea of guilty to Counts 1, 4, and 5 of the  
17 indictment charging you with conspiracy to interfere with  
18 commerce by robbery/conspiracy to interfere with commerce by  
19 robbery and interference with commerce by robbery/brandishing  
20 a firearm during and in retaliation (sic) to a crime of  
21 violence, in violation of 18 United States Code Section  
22 1951(a)/18 United States Code Section 1951(a) and 2(a)/18  
23 United States Code Sections 924(c)(1)(C) -- (A) Subsection  
24 (ii) and Subsection 2(a).

25 On that date, when you were in front of Judge

1 Cureton, you'll remember that Judge Cureton found that your  
2 plea of guilty was a knowing and voluntary plea supported by  
3 an independent basis in fact containing each of the essential  
4 elements of the offense.

5 You told Judge Cureton at that time that you  
6 understood the elements of the offense, you agreed to the  
7 accuracy of the Factual Resume in that case, and you also  
8 admitted that you had committed all the essential elements of  
9 the offense.

10 Accordingly, on January 23rd, 2020, I entered an  
11 order accepting your plea and adjudging you guilty of the  
12 crimes alleged in the indictment against you.

13 In both of those cases, Mr. Hardrick, you entered a  
14 plea of guilty pursuant to a plea agreement, and in both of  
15 those cases, I'll let you know at this time that I have had an  
16 opportunity to review both of those plea agreements, and the  
17 charge to which you pled guilty to, and it's my determination  
18 that those charges adequately reflect the seriousness of  
19 defendant's actual offense behavior, so that by accepting the  
20 plea agreement, the statutory purposes of sentencing will not  
21 be undermined, all relevant conduct having been taken into  
22 consideration in both cases in the calculation of your total  
23 offense level.

24 Therefore, sir, the plea agreements in both cases  
25 will be accepted by the Court and the judgment and sentence



1 determined today will be consistent with them.

2 At this time, I'll ask you, Mr. Able, we have a  
3 multitude of addenda and a Presentence Report in this case.  
4 Did you and your client receive those in a timely manner?

5 MR. ABLE: Yes, we did, Your Honor.

6 THE COURT: Both the Presentence Investigation  
7 Report and I believe there were four addenda; is that correct,  
8 sir?

9 MR. ABLE: That's correct, Your Honor.

10 THE COURT: You had an opportunity to carefully  
11 review all of those documents with your client?

12 MR. ABLE: Yes, I did.

13 THE COURT: And I'll ask you, Mr. Weybrecht, did you  
14 have an opportunity to receive and review those five  
15 documents?

16 MR. WEYBRECHT: We did, Your Honor.

17 THE COURT: All right. Thank you very much.

18 I know we have several objections lodged on behalf  
19 of the defendant. As you know, the way that probation has  
20 prepared the Presentence Investigation Report, Mr. Able, they  
21 have combined both cases for ease of reference, and I would  
22 like to -- for the rest of the discussion today, unless I need  
23 to delineate between the two cases, we're going to refer to  
24 them together. I think that makes it easiest.

25 Because they combined them, obviously any objections

1 they made in one case would apply to the other case, but let  
2 me walk you through my tentative findings to the objections to  
3 the PSR. I know that the government has also lodged some  
4 objections. Let me give you my tentative findings, and we'll  
5 go from there, and, obviously, I'll allow you to put on any  
6 evidence or any argument that you have with regards to those  
7 findings after I'm done.

8 Let me go through my tentative findings in hopes  
9 that we can cut some of this to the chase.

10 *(Pause in Proceedings)*

11 *THE COURT:* Sorry. We would get a verdict right  
12 when I get started, wouldn't we?

13 This is going to take me a while. Let's go off the  
14 record.

15 *(Off-the-record discussion)*

16 *THE COURT:* All right. Let's go back on the record.  
17 Sorry about that.

18 Mr. Able, there are, I believe, eleven objections  
19 that were lodged on behalf of defendant to the Presentence  
20 Investigation Report.

21 First of all, there's been an objection lodged on  
22 behalf of your client comprised of your objections 1, 2, 3, 4,  
23 and 5, in which you've objected to paragraphs 54, 62, 70, 78,  
24 and 86 of the Presentence Report, objecting to a four-level  
25 enhancement in those paragraphs for each robbery on the basis

1 that you don't believe that that four-level enhancement  
2 applies for a person being abducted during the commission of  
3 the offense.

4 My tentative finding is that this case falls in line  
5 with Fifth Circuit precedent, specifically, United States  
6 versus Smith, where they describe that actions, as we have  
7 here, would qualify for an abduction enhancement in that  
8 four-level enhancement; however, that's a tentative finding  
9 only, and I know that you'll make an argument to me when you  
10 have your opportunity.

11 I've also had a chance to review your objections 6,  
12 7, and 8, in which you've objected to paragraphs 117, 118, and  
13 121, based on your argument that criminal history score for  
14 Mr. Hardrick wasn't computed correctly. Specifically, that  
15 Mr. Hardrick had some crimes that were committed as a  
16 juvenile, and you don't believe those were properly accounted  
17 for in his criminal history score.

18 My understanding, and I've reviewed the record and  
19 the filings, were that he was charged as an adult in those  
20 cases, so my tentative finding would be that those are  
21 overruled as well.

22 Finally, your objection number 9 and number 10 are  
23 to paragraphs 177 and 178, where you've objected on behalf of  
24 your client as to whether the Court should consider either an  
25 upward departure or an upward variance.

1 I understand why defense lawyers need to do that, as  
2 well as I understand why the government wants to do that if  
3 there's language in there that says perhaps I should consider  
4 a downward variance or a downward departure.

5 However, it's -- ultimately, at the end of the day,  
6 it's my decision based on the facts and the law, and to be  
7 honest with you, I don't put a lot of emphasis on what  
8 probation tells me to do with regards to what the sentence  
9 should be one way or another. I kind of take it as it is and  
10 go from there, but your objection is noted.

11 Finally, your objection 11, defendant's objected in  
12 his objection number 11 to paragraph 137. He objected to that  
13 paragraph to clarify he was diagnosed with bipolar disorder  
14 during his period of incarceration and was prescribed  
15 medication.

16 The probation officer -- it doesn't really matter  
17 for purposes of the sentencing. It's not anything that I  
18 would consider one way or another. Probation was unable to  
19 verify that statement, as you know. My tentative finding was  
20 that it really doesn't matter to me whether it's overruled or  
21 sustained, but I am inclined to overrule it based on the  
22 information I have before me.

23 Mr. Able, those are my tentative findings with  
24 regards to the objections you've lodged. Would you like to  
25 present any argument or evidence at this time? And then we'll

1 take up the government's objections.

2 MR. ABLE: Judge, the only thing I would like to do  
3 is I presented a -- I guess a minute order from the San  
4 Bernardino District, and that's as to this criminal history  
5 score.

6 THE COURT: Related to the juvenile offense,  
7 Mr. Able?

8 MR. ABLE: Yes, yes, Your Honor.

9 THE COURT: Okay.

10 MR. ABLE: And I guess that would be paragraphs 6,  
11 7, and 8 of the criminal history score --

12 THE COURT: Yes, sir.

13 MR. ABLE: -- that the crimes were not committed as  
14 a juvenile by my client. Judge, I showed the probation  
15 officer this minute order and the notice to law enforcement,  
16 and I also showed the prosecutor also, Judge, and  
17 apparently -- there's one thing in here. My client just  
18 got -- he just received this yesterday. He's been trying to  
19 get this particular document, and it states that the execution  
20 of his sentence, as to this particular offense, was suspended,  
21 and I think that would reduce him as far as the career  
22 offender designation from the probation office.

23 I mean, you can hear from the probation office and  
24 the prosecutor, Judge, but this -- I just got this when I  
25 walked in.

1           *THE COURT:* And I understand. I would like to hear  
2 the position of the government and probation with regards to  
3 this document --

4           *MR. ABLE:* Thank you.

5           *THE COURT:* -- and how that affects the guideline  
6 range in this case.

7           *MR. WEYBRECHT:* In terms of the document, Your  
8 Honor, I think it's not exactly clear what's being said. It  
9 seems somewhat confusing because at one point it says that the  
10 sentence is X amount, and at one point it says that this is  
11 the total amount of incarceration, and then there's one  
12 sentence that talks about something being suspended.

13           But I think what we would go back to is that he  
14 was -- the sentence was on January 2003, and he was ultimately  
15 released in 2005, so it would have been over that year period  
16 even if -- despite language to suggest that was suspended, he  
17 served that time of incarceration, over a year, so I think  
18 that the calculation would be correct as it relates to the  
19 criminal history category.

20           *THE COURT:* Mr. Able, do you have a copy of that  
21 document with you? I understood that's probably your only  
22 copy.

23           *MR. ABLE:* Yes, I did. May I approach, Judge?

24           *THE COURT:* Yes, sir.

25           *MR. ABLE:* Thank you.

1           THE COURT: I've got to start wearing these reading  
2 glasses this week. I can't believe this, but they do help.

3           I'm certainly no expert when it comes to how to  
4 interpret records from a different state, but I do want to  
5 make sure I get this right. I think that comes as no surprise  
6 that the crimes that Mr. Hardrick has pled guilty to are  
7 substantial, and we want to do our best to make sure we have  
8 the right answer when it comes to how to calculate this  
9 offense.

10           Ms. Bradford, have you had an opportunity to read  
11 this document that Mr. Able has submitted?

12           PROBATION: I did, just briefly, and I do see in our  
13 records from California that it does mention a suspended  
14 sentence, but then, after that, it still states that  
15 Mr. Hardrick was sentenced to a period of 9 years imprisonment  
16 in custody, and so I tend to agree with the government. It is  
17 a little unclear, but the indication that I have from the  
18 records we received is that he served a custody sentence;  
19 plus, by the government, he pleaded guilty and was sentenced  
20 to 108 months in January of '03.

21           He was released on parole, as far as the records we  
22 received, in October of '05. So, in that case, he would have  
23 served over a year and a month, which would have -- which  
24 showed that we accurately scored the criminal history in the  
25 Presentence Report.

1           *THE COURT:* When probation was drafting the addendum  
2 to the report in responding to this objection, you had said  
3 that you had had trouble getting records with regards to the  
4 nationwide pandemic.

5           *PROBATION:* It is very difficult, just in general,  
6 to get records from California.

7           *THE COURT:* I want to go off the record momentarily  
8 and consider this. I do want to make sure I get this right.  
9 I would like to visit with you, Ms. Bradford. Let's go into  
10 the alternative jury room, if we can, and we'll go back on the  
11 record, if we can, in five to ten minutes.

12           Mr. Able, do you mind if I get a copy of this?

13           *MR. ABLE:* Yes, please, go ahead, Judge.

14           *THE COURT:* Thank you all. I'll be back  
15 momentarily. Like I said, I know that this sentencing has  
16 been moved several times, partly at my convenience, but I want  
17 to make sure I get this right. Okay. Thank you.

18           *COURT SECURITY OFFICER:* All rise.

19           *MR. ABLE:* Thank you, Your Honor.

20           *(Recess)*

21           *COURT SECURITY OFFICER:* All rise.

22           *(Judge enters)*

23           *THE COURT:* Thank you. You all may be seated.

24 Debbie, we can go back on the record.

25           We're going to continue our sentencing docket this



1 morning. Prior to taking a brief recess off the record to  
2 look at some documents, Mr. Able had presented us a document  
3 from California related to defendant that I think it's very  
4 important that I need to make sure that I have all the facts  
5 surrounding that offense, and how it was considered out in  
6 California, and I appreciate you bringing it to our attention.

7 I know you've only received it this morning, and I  
8 know that this case has been set and reset, et cetera, et  
9 cetera, but I want to make absolutely 100 percent sure, given  
10 the crimes that we're looking at, given the time that we're  
11 looking at, that I do my very best to make sure that I come up  
12 with the decision required by me under the law, and in order  
13 to do that, I need to do some more homework. I think that  
14 it's in the best interest of everybody, including the  
15 government, that we continue this sentencing, but what I need  
16 to know is if everyone's available.

17 Now, Ms. Bradford is going to spend the next couple  
18 of weeks trying to track down this information and get as much  
19 information as she can, so we can truly and accurately get  
20 this young man's criminal history number correct, okay, and I  
21 would like, if you all are available, to continue this  
22 sentencing until Thursday, September 10th, 2020, at 10:00 a.m.

23 Now, you all may be planning on being out of town  
24 the week of labor day. If you are, we can move that, but I  
25 think we need at least that long to sort this matter out.

1           So, the attorneys, if you all would look. I know  
2           you also have an agent with you here this morning,  
3           Mr. Weybrecht. Are you going to be available on the 10th?

4           Let me start with you, Mr. Able. Are you available  
5           on the 10th of September?

6           MR. ABLE: Judge, I'm almost 100 percent positive  
7           that I am, and the reason is that I left my trusted iPhone  
8           because, in this court, you know, you were never allowed to  
9           bring your phone in, so I left it in my truck, Judge, and I'm  
10          almost sure I don't have any conflict, Judge.

11          THE COURT: You're not going down to Miami Beach for  
12          Labor Day week?

13          MR. ABLE: No, Your Honor.

14          (Laughter)

15          THE COURT: I'm sorry to joke about it.

16          MR. ABLE: No, that's all right. It's fine, Judge.

17          THE COURT: If you get back to your office and  
18          you're busy, we'll work with you.

19          MR. ABLE: Judge, I just need to get to my truck.  
20          Once I get there, I can call anyone here.

21          THE COURT: You can call Ms. Milam, and if there's a  
22          problem, we'll move it.

23          Mr. Weybrecht?

24          MR. WEYBRECHT: Your Honor, I think that should  
25          work. I do have trial with Judge Means that following Monday,

1 and a pretrial conference on that Thursday, but I think it's  
2 in the afternoon, so I think -- it very probably might get  
3 moved.

4 *THE COURT:* I'll make sure it works with Judge  
5 Means, okay? I'll do that.

6 *MR. WEYBRECHT:* Thank you, Your Honor.

7 *THE COURT:* All right. As I said, I want to make  
8 sure we get this right. You've given me, I think, your only  
9 copy of this document.

10 Would you like to make it part of the record, and  
11 we'll give -- we'll take the copy you gave us, and we'll give  
12 a copy to the government and --

13 *MR. ABLE:* That will be fine. And I'll get a copy  
14 of it also, Judge?

15 *THE COURT:* Yes. Yes, sir.

16 *MR. ABLE:* Thank you.

17 *THE COURT:* All right. We'll make this Exhibit 1 to  
18 our sentencing docket, and we will look into this.

19 To the family members that are here today, thank you  
20 for coming down. I know it's not easy to get to the federal  
21 courthouse, but we just want to make sure that we study  
22 everything we have before us and make sure we make the best  
23 decision possible based on the information, and we do  
24 appreciate Mr. Able bringing this to our attention, and we  
25 will conclude Mr. Hardrick's sentencing on Thursday,

1 September 10th, 2020, at 10:00 a.m., unless for some reason  
2 something comes up that we don't know about at this time.  
3 Just contact Ms. Milam, and we'll take care of it at a later  
4 time.

5 Thank you all for being here today. You may be  
6 dismissed.

7 MR. ABLE: Thank you, Your Honor.

8 (End of Proceedings)

9 **REPORTER'S CERTIFICATE**

10 I, Debra G. Saenz, CSR, RMR, CRR, certify that the  
11 foregoing is a true and correct transcript from the record  
12 of proceedings in the foregoing entitled matter.

13 Further, due to the COVID-19 pandemic, participants wore  
14 masks or were heard via videoconference, so proceedings were  
15 transcribed to the best of my ability.

16 I further certify that the transcript fees format  
17 comply with those prescribed by the Court and the Judicial  
18 Conference of the United States.

19 Signed this 6th day of November, 2020.

20 /s/ Debra G. Saenz  
21 DEBRA G. SAENZ, CSR, RMR, CRR  
22 Texas CSR No. 3158  
23 Official Court Reporter  
24 The Northern District of Texas  
25 Fort Worth Division

CSR Expires: 1/31/2022

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